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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 FIA CARD SERVICE N.A.,

9 Plaintiff,

10 v.

11 ALLEN G. JONES,

12 Defendant.

CASE NO. C11-5825BHS

ORDER OF REMAND

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14 This matter comes before the Court *sua sponte* for a determination of subject-
15 matter jurisdiction. The Court has reviewed Defendant Allen Jones' ("Jones") notice of
16 removal (Dkt. 1) and the remainder of the file and hereby remands the matter to state
17 court.

18 On October 6, 2011, Jones filed a Notice of Removal asserting diversity as the
19 basis of subject matter jurisdiction. Dkt. 1. Jones alleges that he is a citizen of
20 Washington and that Plaintiff FIA Card Service N.A. ("FIA") is a citizen of another
21 wtate. *Id.* Jones alleges that the amount in controversy is \$15,258.51. *Id.* With regard to
22 the proceedings in state court, it appears that FIA filed an action against Jones for unpaid
23 credit card debt of approximately \$14,258.51 and that FIA received a default judgment
24 for \$14,558.01. *Id.* at 27-28.


25 If, after removal, "it appears that the district court lacks subject matter jurisdiction,
26 the case shall be remanded." 28 U.S.C. § 1447(c). The jurisdiction minimum for
27 diversity jurisdiction is \$75,000. 28 U.S.C. § 1332(a). The amount in controversy is
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1 measured at the time of filing. *Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567,
2 571-75 (2004).

3 In this case, the amount in controversy is well below the jurisdictional minimum
4 and it appears that the Court lacks subject matter jurisdiction. Therefore, the Court
5 remands the case to state court.

6 **IT IS SO ORDERED.**

7 DATED this 17th day of October, 2011.

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10 BENJAMIN H. SETTLE
11 United States District Judge
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